



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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November 25, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On November 24, 2003, Robert Sachs (President and CEO) and Michael Schooler (Deputy General Counsel) of the National Cable & Telecommunications Association, and Justin Lilley, Esq., met with Commissioner Kevin Martin and his Legal Advisor, Catherine Bohigian, to discuss pending issues in the above-captioned proceeding.

Consistent with our written comments in the above-captioned proceeding, we argued that the FCC should adhere to its January 2001 ruling that interpreted "primary video" to mean a single digital video program stream. In that regard, we provided Commissioner Martin with a copy of a paper by Harvard Law School Professor Laurence H. Tribe, entitled "Why the Federal Communications Commission Should Not Adopt a Broad View of the 'Primary Video' Carriage Obligation: A Reply To The Broadcast Organizations," which NCTA filed in the proceeding.

In addition, we reiterated our arguments that the Commission should not grant broadcast stations must carry rights for their digital signals until the stations have returned the analog spectrum that they use. In discussing ways to advance the digital TV transition, Commissioner Martin raised, and we discussed, the recent analog to digital DTV transition in Berlin, Germany, and the desirability of market tests in the U.S. to better understand the potential consumer impact of transitioning all broadcast stations from analog to digital. We also discussed the desirability of DTV transition issues being resolved through voluntary agreements between the broadcast and cable industries.

Respectfully submitted,

/s/ **Michael S. Schooler**

cc: Commissioner Kevin J. Martin
Catherine C. Bohigian